

SENATE BILL 444

K4
SB 6/11 – B&T

2lr1195

By: **Senator Colburn**
Introduced and read first time: February 2, 2012
Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Optional Retirement Program – State Employees and Teachers –**
3 **Participation**

4 FOR the purpose of authorizing certain individuals who are eligible for membership in
5 certain State retirement or pension systems to participate in the optional
6 retirement program; providing that certain employees are not members of State
7 retirement or pension systems if the employees make certain elections to join
8 the optional retirement program; requiring that the optional retirement
9 program be offered by certain participating employers; providing that the State
10 and certain employers are not responsible for the payment of certain benefits
11 payable under the optional retirement program; requiring certain employers to
12 administer certain aspects of the participation of certain employees in the
13 optional retirement program; requiring that certain employees who elect to
14 participate in the optional retirement program make such an election within a
15 certain period of time and in a certain manner; providing that an employee who
16 participate in the optional retirement program is ineligible for membership in
17 certain State retirement or pension systems; defining certain terms; and
18 generally relating to participation in the State optional retirement program.

19 BY repealing and reenacting, with amendments,
20 Article – State Personnel and Pensions
21 Section 23–201(b), 24–201, 24–203, 25–201(b), 26–201(b), 30–101, 30–201,
22 30–202, 30–207, 30–210, 30–301, 30–302, 30–303, 30–305, and 30–307(e)
23 Annotated Code of Maryland
24 (2009 Replacement Volume and 2011 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 MARYLAND, That the Laws of Maryland read as follows:

27 **Article – State Personnel and Pensions**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 23–201.

2 (b) Sections 23–203 through 23–205 of this subtitle do not apply to:

3 (1) an individual who is or is entitled to be a member of any State
4 system other than the Employees’ Pension System;

5 (2) a contractual, emergency, or temporary extra employee;

6 (3) an individual who is employed under a federal public service
7 employment program;

8 (4) an assessor who is a member of a retirement or pension system
9 operated by a political subdivision of the State;

10 (5) an employee of a local board of elections who chooses to stay in a
11 local merit system under § 2–207 of the Election Law Article;

12 (6) a nonclerical or nonprofessional employee of the Baltimore City
13 Community College who:

14 (i) was an employee of the New Community College of
15 Baltimore during the 1989–1990 academic year;

16 (ii) was employed by the New Community College of Baltimore
17 on or before December 31, 1990, as a “Class A” member of the Baltimore City
18 Retirement Plan; and

19 (iii) elected to remain a member of the Baltimore City
20 Retirement Plan;

21 (7) an employee who is not a member of a State system and who
22 accepts a position for which the budgeted hours per fiscal year are less than 500 hours
23 in the first fiscal year of employment;

24 (8) an employee of the Domestic Relations Division of the Anne
25 Arundel County Circuit Court who:

26 (i) was transferred on or after July 1, 2002, into the State
27 Personnel Management System as an employee of the Child Support Enforcement
28 Administration of the Maryland Department of Human Resources;

29 (ii) elected, under § 2–510 of the Courts Article, to remain as a
30 participant in the Anne Arundel County Retirement and Pension System; and

1 (iii) remains as an employee of the Child Support Enforcement
2 Administration of the Maryland Department of Human Resources or an attorney
3 employed to represent the Child Support Enforcement Administration;

4 (9) a nonfaculty employee of the Baltimore City Community College
5 who is eligible to participate and elects to participate in an optional retirement
6 program under Title 30 of this article;

7 (10) an appointed or elected official who on or after July 1, 2007, is a
8 member of any other State or local retirement or pension system as defined under
9 Title 37 of this article; [or]

10 (11) the Director of the Department of Social Services in Montgomery
11 County who:

12 (i) was transferred into the State Personnel Management
13 System as an employee of the Social Services Administration of the Maryland
14 Department of Human Resources;

15 (ii) elected, under § 3–403.1 of the Human Services Article, to
16 remain as a participant in the Montgomery County Employees' Retirement System;
17 and

18 (iii) remains as an employee of the Social Services
19 Administration of the Maryland Department of Human Resources; **OR**

20 **(12) AN INDIVIDUAL WHO HAS ELECTED TO PARTICIPATE IN AN**
21 **OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF THIS ARTICLE.**

22 24–201.

23 **(A) [This] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,**
24 **THIS subtitle applies only to:**

25 (1) a police employee as defined in § 2–101 of the Public Safety Article;
26 and

27 (2) a Maryland State Police cadet.

28 **(B) THIS SUBTITLE DOES NOT APPLY TO AN INDIVIDUAL WHO HAS**
29 **ELECTED TO PARTICIPATE IN AN OPTIONAL RETIREMENT PROGRAM UNDER**
30 **TITLE 30 OF THIS ARTICLE.**

31 24–203.

1 The Secretary of State Police may waive membership in the State Police
2 Retirement System and elect to become a member of:

3 **(1)** the Employees' Pension System; **OR**

4 **(2)** **THE OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF**
5 **THIS ARTICLE.**

6 25–201.

7 (b) This subtitle does not apply to:

8 (1) an employee of the Baltimore City Jail as of June 30, 1991, who:

9 (i) became an employee of the Baltimore City Detention Center
10 on July 1, 1991; and

11 (ii) did not elect to become a member of the Correctional
12 Officers' Retirement System on that date; **[or]**

13 (2) a detention center officer employed by a participating
14 governmental unit as a local detention center officer on the effective date of
15 participation on or after July 1, 2006, who did not elect to become a member of the
16 Correctional Officers' Retirement System within 6 months of the effective date of
17 participation; **OR**

18 **(3)** **AN INDIVIDUAL WHO HAS ELECTED TO PARTICIPATE IN AN**
19 **OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF THIS ARTICLE.**

20 26–201.

21 (b) This subtitle does not apply to:

22 (1) a Maryland Transportation Authority police officer who
23 transferred from the Employees' Retirement System to the Employees' Pension
24 System on or after December 1, 1996;

25 (2) a deputy sheriff employed by the Baltimore City Sheriff's
26 Department who transferred from the Employees' Retirement System to the
27 Employees' Pension System on or after December 1, 1996;

28 (3) a member of the University of Maryland Police Force who
29 transferred from the Employees' Retirement System to the Employees' Pension
30 System on or after December 1, 1997;

1 (4) a law enforcement officer or firefighter employed by a participating
2 governmental unit who transferred from the Employees' Retirement System to the
3 Employees' Pension System on or after December 1, 1997;

4 (5) a Maryland Port Administration police officer who transferred
5 from the Employees' Retirement System to the Employees' Pension System on or after
6 December 1, 1997;

7 (6) a State Fire Marshal or Deputy State Fire Marshal who
8 transferred from the Employees' Retirement System to the Employees' Pension
9 System on or after December 1, 1996;

10 (7) a member of the Morgan State University Police Force who
11 transferred from the Employees' Retirement System to the Employees' Pension
12 System on or after December 1, 1997;

13 (8) a member of the BWI Airport Fire & Rescue Department who
14 transferred from the Employees' Retirement System to the Employees' Pension
15 System on or after April 1, 1998;

16 (9) a member of the Department of General Services, Department of
17 Health and Mental Hygiene, Motor Vehicle Administration, or Department of Labor,
18 Licensing, and Regulation Police Force who transferred from the Employees'
19 Retirement System to the Employees' Pension System on or after April 1, 1998;

20 (10) a firefighter or law enforcement officer for the Martin State Airport
21 employed by the Military Department who transferred from the Employees'
22 Retirement System to the Employees' Pension System on or after April 1, 1998;

23 (11) a police officer employed by the Division of Rehabilitation Services
24 in the Department of Education who:

25 (i) is certified in accordance with the Maryland Police and
26 Correctional Training Commissions; and

27 (ii) transferred from the Employees' Retirement System to the
28 Employees' Pension System on or after April 1, 1998;

29 (12) a firefighter or paramedic employed by the Salisbury Fire
30 Department who transferred from the Employees' Retirement System to the
31 Employees' Pension System on or after April 1, 1998;

32 (13) an aviator employed by the Department of State Police to operate
33 an aircraft for the State Emergency Medical System who transferred from the
34 Employees' Retirement System to the Employees' Pension System on or after April 1,
35 1998; [or]

1 (14) a police officer employed by the Baltimore City Community College
2 who transferred from the Employees' Retirement System to the Employees' Pension
3 System on or after December 1, 1996; OR

4 **(15) AN INDIVIDUAL WHO HAS ELECTED TO PARTICIPATE IN AN**
5 **OPTIONAL RETIREMENT PROGRAM UNDER TITLE 30 OF THIS ARTICLE.**

6 30-101.

7 (a) In this title the following words have the meanings indicated.

8 (b) (1) "Annuity contract" means a fixed or variable annuity contract or
9 combination of fixed or variable annuity contracts authorized under § 403(a) or (b) of
10 the Internal Revenue Code.

11 (2) "Annuity contract" includes a custodial account to be invested in
12 regulated investment company stock as provided in § 401(f) or § 403(b)(7) of the
13 Internal Revenue Code.

14 (c) "Designated company" means an entity that:

15 (1) on or before March 1, 1993, was designated by the governing board
16 of an employing institution to offer annuity contracts under the program; or

17 (2) is designated by the Board of Trustees.

18 (d) "Eligible employee" means an individual eligible to participate in the
19 program.

20 (e) "Employing institution" means:

21 (1) the University System of Maryland;

22 (2) Morgan State University;

23 (3) St. Mary's College;

24 (4) the Maryland Higher Education Commission with respect to
25 eligible employees of the Commission; and

26 (5) any community college or regional community college established
27 under Title 16 of the Education Article.

28 (f) "Participating employee" means an eligible employee who elects to
29 participate in the program.

1 (g) "Pension system" means the Employees' Pension System, **THE LAW**
2 **ENFORCEMENT OFFICERS' PENSION SYSTEM**, or the Teachers' Pension System.

3 (h) "Program" means the optional retirement program established under §
4 30-201 of this title.

5 (i) "Retirement system" means the **CORRECTIONAL OFFICERS'**
6 **RETIREMENT SYSTEM**, Employees' Retirement System, **STATE POLICE**
7 **RETIREMENT SYSTEM**, or the Teachers' Retirement System.

8 **(J) "SUPERVISING EMPLOYER" MEANS:**

9 **(1) ANY UNIT OF STATE GOVERNMENT;**

10 **(2) A COUNTY BOARD OF EDUCATION OR THE BALTIMORE CITY**
11 **BOARD OF SCHOOL COMMISSIONERS;**

12 **(3) A LIBRARY THAT IS ESTABLISHED UNDER THE EDUCATION**
13 **ARTICLE;**

14 **(4) AN EMPLOYING INSTITUTION;**

15 **(5) THE OFFICE OF THE SHERIFF OF BALTIMORE CITY;**

16 **(6) A BOARD OF SUPERVISORS OF ELECTIONS OF A COUNTY;**

17 **(7) THE STATE RACING COMMISSION AUTHORIZED BY § 11-207**
18 **OF THE BUSINESS REGULATION ARTICLE;**

19 **(8) A CIRCUIT COURT FOR ANY COUNTY;**

20 **(9) THE MARYLAND ENVIRONMENTAL SERVICE;**

21 **(10) THE BALTIMORE CITY DETENTION CENTER;**

22 **(11) THE CLIFTON T. PERKINS HOSPITAL CENTER;**

23 **(12) THE FIELD ENFORCEMENT BUREAU;**

24 **(13) THE UNIVERSITY OF MARYLAND POLICE FORCE;**

25 **(14) THE MORGAN STATE UNIVERSITY POLICE FORCE;**

26 **(15) THE BWI AIRPORT FIRE & RESCUE DEPARTMENT; OR**

1 **(16) THE MILITARY DEPARTMENT.**

2 **[(j)] (K)** “Supplemental retirement plans” means plans established
3 pursuant to § 30–401 of this title.

4 30–201.

5 (a) There is an optional retirement program in which eligible employees may
6 participate.

7 (b) Under the program, annuity contracts offered by a designated company
8 that provide retirement and death benefits may be purchased for participating
9 employees.

10 (c) (1) The Board of Trustees shall administer the program to the extent
11 provided in this title.

12 (2) The State Retirement Agency shall carry out the administrative
13 duties of the Board of Trustees.

14 (d) The program shall be offered by each [employing institution]
15 **SUPERVISING EMPLOYER.**

16 30–202.

17 (a) The Board of Trustees may designate not more than four companies, in
18 addition to the company that was designated by a governing board of an employing
19 institution on or before March 1, 1993, from which annuity contracts are to be
20 purchased under the program.

21 (b) (1) The Board of Trustees shall approve the form and contents of
22 annuity contracts to be offered by a company that is designated by the Board of
23 Trustees under subsection (a) of this section.

24 (2) The Board of Trustees may also approve the form and contents of
25 additional types of annuity contracts to be offered for the first time after October 1,
26 1993, by the company designated by the governing board of an employing institution
27 on or before March 1, 1993.

28 (c) In making the designation and giving approval under this section, the
29 Board of Trustees shall consider:

30 (1) the nature and extent of the rights and benefits to be provided by
31 the annuity contracts for participating employees and their beneficiaries;

1 (2) the relation of those rights and benefits to the amount of
2 contributions to be made;

3 (3) the suitability of the rights and benefits to the needs of the
4 participating employees and the interests of the [employing institutions]
5 **SUPERVISING EMPLOYERS** in the recruitment and retention of participating
6 employees;

7 (4) the ability of the company to provide for suitable rights and
8 benefits under the annuity contracts;

9 (5) the selection of annuity contracts offered by the company;

10 (6) the financial stability of the company and whether the company
11 meets minimum financial criteria, if any, including a minimum net worth
12 requirement, if any, established by the Board of Trustees; and

13 (7) the effect of any fees, commissions, or other charges imposed or
14 collected in connection with an annuity contract.

15 30–207.

16 Benefits under the program:

17 (1) shall be payable to participating employees or their beneficiaries in
18 accordance with the terms of the annuity contracts; and

19 (2) are not payable by the State or [governing board of an employing
20 institution] **A SUPERVISING EMPLOYER**.

21 30–210.

22 With respect to a participating employee who is employed by [an employing
23 institution or an institution over which the employing institution has administrative
24 authority, the employing institution] **A SUPERVISING EMPLOYER, THE**
25 **SUPERVISING EMPLOYER** shall administer the participating employee's enrollment,
26 termination, or retirement under the program.

27 30–301.

28 (a) An individual is eligible to participate in the program if the individual is
29 eligible for membership in a retirement system or a pension system and is:

30 (1) a member of the faculty of an employing institution;

1 (2) a professional employee at a community college or regional
2 community college established under Title 16 of the Education Article;

3 (3) an employee of the University System of Maryland who is in a
4 position designated as exempt under a policy adopted by the University System of
5 Maryland Board of Regents;

6 (4) an employee of Morgan State University who is in a position
7 designated as professional or administrative by the Board of Regents of Morgan State
8 University; [or]

9 (5) an employee of St. Mary's College of Maryland who is in a position
10 determined by the Board of Trustees of the College to be a professional or faculty
11 position;

12 (6) A REGULAR EMPLOYEE WHOSE COMPENSATION IS PROVIDED
13 BY STATE APPROPRIATION OR PAID FROM STATE FUNDS;

14 (7) AN APPOINTED OR ELECTED OFFICIAL OF THE STATE,
15 INCLUDING:

16 (I) A CLERK OF THE CIRCUIT COURT;

17 (II) A REGISTER OF WILLS;

18 (III) A STATE'S ATTORNEY; AND

19 (IV) A SHERIFF;

20 (8) AN EMPLOYEE OF A DAY SCHOOL IN THE STATE UNDER THE
21 AUTHORITY AND SUPERVISION OF A COUNTY BOARD OF EDUCATION OR THE
22 BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS EMPLOYED AS:

23 (I) A CLERK;

24 (II) A HELPING TEACHER;

25 (III) A PRINCIPAL;

26 (IV) A SUPERINTENDENT;

27 (V) A SUPERVISOR; OR

28 (VI) A TEACHER;

1 **(9) A LIBRARIAN OR CLERICAL EMPLOYEE OF A LIBRARY THAT IS**
2 **ESTABLISHED OR OPERATES UNDER THE EDUCATION ARTICLE;**

3 **(10) A STAFF EMPLOYEE OF THE UNIVERSITY SYSTEM OF**
4 **MARYLAND, MORGAN STATE UNIVERSITY, OR ST. MARY'S COLLEGE OF**
5 **MARYLAND WHO IS A MEMBER OF THE TEACHERS' PENSION SYSTEM AS OF**
6 **JANUARY 1, 1998, OR WHO TRANSFERRED FROM THE TEACHERS' RETIREMENT**
7 **SYSTEM ON OR AFTER JANUARY 1, 1998;**

8 **(11) AN EMPLOYEE OF THE OFFICE OF THE SHERIFF OF**
9 **BALTIMORE CITY;**

10 **(12) AN EMPLOYEE OR AGENT OF THE STATE RACING**
11 **COMMISSION AUTHORIZED BY § 11-207 OF THE BUSINESS REGULATION**
12 **ARTICLE;**

13 **(13) A PERMANENT EMPLOYEE OF THE BOARD OF SUPERVISORS OF**
14 **ELECTIONS OF A COUNTY;**

15 **(14) A FULL-TIME MASTER IN CHANCERY OR IN JUVENILE CAUSES**
16 **WHO WAS APPOINTED ON OR AFTER JULY 1, 1989, IN ANY COUNTY BY THE**
17 **CIRCUIT COURT FOR THAT COUNTY;**

18 **(15) A NONFACULTY EMPLOYEE OF THE BALTIMORE CITY**
19 **COMMUNITY COLLEGE;**

20 **(16) A STAFF EMPLOYEE OF THE UNIVERSITY SYSTEM OF**
21 **MARYLAND, MORGAN STATE UNIVERSITY, OR ST. MARY'S COLLEGE OF**
22 **MARYLAND;**

23 **(17) A POLICE EMPLOYEE AS DEFINED IN § 2-101 OF THE PUBLIC**
24 **SAFETY ARTICLE;**

25 **(18) A MARYLAND STATE POLICE CADET;**

26 **(19) A CORRECTIONAL OFFICER SERVING IN ANY OF THE FIRST SIX**
27 **JOB CLASSIFICATIONS;**

28 **(20) A SECURITY ATTENDANT AT THE CLIFTON T. PERKINS**
29 **HOSPITAL CENTER;**

1 **(21) A CORRECTIONAL DIETARY, MAINTENANCE, LAUNDRY, OR**
2 **SUPPLY OFFICER;**

3 **(22) A MARYLAND CORRECTIONAL ENTERPRISES OFFICER,**
4 **OFFICER TRAINEE, PLANT SUPERVISOR, PLANT MANAGER, OR REGIONAL**
5 **MANAGER;**

6 **(23) AN EMPLOYEE OF THE DEPARTMENT OF NATURAL**
7 **RESOURCES COMMISSIONED BY THE SECRETARY OF NATURAL RESOURCES AS:**

8 **(I) A NATURAL RESOURCES POLICE OFFICER; OR**

9 **(II) A LAW ENFORCEMENT OFFICER OTHER THAN A**
10 **NATURAL RESOURCES POLICE OFFICER;**

11 **(24) A LAW ENFORCEMENT OFFICER EMPLOYED BY THE FIELD**
12 **ENFORCEMENT BUREAU;**

13 **(25) A MEMBER OF THE MARYLAND TRANSPORTATION**
14 **AUTHORITY POLICE FORCE WHO HAS THE POWERS GRANTED TO A POLICE**
15 **OFFICER UNDER § 4-208 OF THE TRANSPORTATION ARTICLE;**

16 **(26) A DEPUTY SHERIFF EMPLOYED BY THE BALTIMORE CITY**
17 **SHERIFF'S DEPARTMENT;**

18 **(27) A MEMBER OF THE UNIVERSITY OF MARYLAND POLICE**
19 **FORCE WHO HAS THE POWERS GRANTED TO A POLICE OFFICER UNDER § 13-601**
20 **OF THE EDUCATION ARTICLE;**

21 **(28) THE STATE FIRE MARSHAL OR A DEPUTY STATE FIRE**
22 **MARSHAL;**

23 **(29) A MEMBER OF THE MORGAN STATE UNIVERSITY POLICE**
24 **FORCE WHO HAS THE POWERS GRANTED TO A POLICE OFFICER UNDER § 14-106**
25 **OF THE EDUCATION ARTICLE;**

26 **(30) A MEMBER OF THE BWI AIRPORT FIRE & RESCUE**
27 **DEPARTMENT;**

28 **(31) A MEMBER OF THE DEPARTMENT OF GENERAL SERVICES**
29 **POLICE FORCE WHO HAS THE POWERS GRANTED TO A POLICE OFFICER UNDER**
30 **§ 4-605 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;**

1 **(32) AN EMPLOYEE OF THE DEPARTMENT OF HEALTH AND**
2 **MENTAL HYGIENE COMMISSIONED BY THE SECRETARY OF HEALTH AND**
3 **MENTAL HYGIENE AS A HEALTH AND MENTAL HYGIENE POLICE OFFICER;**

4 **(33) AN EMPLOYEE OF THE MOTOR VEHICLE ADMINISTRATION**
5 **COMMISSIONED BY THE SECRETARY OF TRANSPORTATION AS A MOTOR**
6 **VEHICLE ADMINISTRATION POLICE OFFICER;**

7 **(34) AN EMPLOYEE OF THE DEPARTMENT OF LABOR, LICENSING,**
8 **AND REGULATION COMMISSIONED BY THE SECRETARY OF LABOR, LICENSING,**
9 **AND REGULATION AS A LABOR, LICENSING, AND REGULATION POLICE**
10 **OFFICER;**

11 **(35) A FIREFIGHTER OR LAW ENFORCEMENT OFFICER FOR THE**
12 **MARTIN STATE AIRPORT EMPLOYED BY THE MILITARY DEPARTMENT;**

13 **(36) A POLICE OFFICER EMPLOYED BY THE DIVISION OF**
14 **REHABILITATION SERVICES IN THE DEPARTMENT OF EDUCATION, CERTIFIED**
15 **IN ACCORDANCE WITH THE MARYLAND POLICE AND CORRECTIONAL TRAINING**
16 **COMMISSION;**

17 **(37) AN AVIATOR EMPLOYED BY THE DEPARTMENT OF STATE**
18 **POLICE TO OPERATE AN AIRCRAFT FOR THE STATE EMERGENCY MEDICAL**
19 **SYSTEM;**

20 **(38) A MEMBER OF THE MARYLAND TRANSIT ADMINISTRATION**
21 **POLICE FORCE WHO HAS THE POWERS GRANTED TO A POLICE OFFICER UNDER**
22 **§ 7-207 OF THE TRANSPORTATION ARTICLE;**

23 **(39) A MEMBER OF THE DEPARTMENT OF PUBLIC SAFETY AND**
24 **CORRECTIONAL SERVICES INTERNAL INVESTIGATIVE UNIT WHO HAS THE**
25 **POWERS GRANTED TO A POLICE OFFICER UNDER § 10-701 OF THE**
26 **CORRECTIONAL SERVICES ARTICLE; OR**

27 **(40) A POLICE OFFICER EMPLOYED BY THE BALTIMORE CITY**
28 **COMMUNITY COLLEGE WHO HAS THE POWER GRANTED TO A POLICE OFFICER**
29 **UNDER § 16-513 OF THE EDUCATION ARTICLE.**

30 (b) (1) This subsection applies to an individual who:

31 (i) on August 22, 2004, was eligible to participate in the
32 program; and

1 (ii) is in a position that, as of August 23, 2004, was reclassified
2 by the University System of Maryland Board of Regents or the Board of Regents of
3 Morgan State University and would no longer be eligible for participation in the
4 program under subsection (a) of this section.

5 (2) An individual described under paragraph (1) of this subsection may
6 continue to participate in the program if the individual:

7 (i) would otherwise be eligible for membership in a system
8 under the State Retirement and Pension System; and

9 (ii) is employed by an employing institution.

10 30–302.

11 (a) An election to participate in the program shall be made by an eligible
12 employee within 1 year of first becoming an eligible employee of [an employing
13 institution] **A SUPERVISING EMPLOYER**.

14 (b) An eligible employee's election to participate in the program is a
15 one-time irrevocable election.

16 30–303.

17 (a) An eligible employee shall elect to:

18 (1) join a pension or retirement system in accordance with the
19 provisions of this Division II applicable to that system; or

20 (2) participate in the program.

21 (b) An eligible employee shall:

22 (1) make an election under this section in writing; and

23 (2) file the election with the Board of Trustees and the [employing
24 institution] **SUPERVISING EMPLOYER** within 1 year of first becoming an eligible
25 employee of [an employing institution] **A SUPERVISING EMPLOYER**.

26 (c) An eligible employee may not participate in the program if both the
27 Board of Trustees and the [employing institution] **SUPERVISING EMPLOYER** have
28 not received the eligible employee's written election required under subsection (b) of
29 this section, within 1 year of first becoming an eligible employee with [an employing
30 institution] **A SUPERVISING EMPLOYER**.

1 (d) The effective date of the election shall be the first day of the month after
2 the election.

3 30–305.

4 (a) This section applies only to a State employee who becomes eligible to
5 elect participation in the program if the employee is appointed, promoted, transferred,
6 or reclassified to a position as an eligible employee.

7 (b) A State employee described in subsection (a) of this section may elect to
8 participate in the program.

9 (c) An eligible employee shall:

10 (1) make an election under this section in writing; and

11 (2) file the election with the Board of Trustees and the [employing
12 institution] **SUPERVISING EMPLOYER** within 1 year of first becoming an eligible
13 employee of [an employing institution] **A SUPERVISING EMPLOYER**.

14 (d) An eligible employee may not participate in the program if both the
15 Board of Trustees and the [employing institution] **SUPERVISING EMPLOYER** have
16 not received the eligible employee's written election required under subsection (c) of
17 this section, within 1 year of first becoming an eligible employee with [an employing
18 institution] **A SUPERVISING EMPLOYER**.

19 30–307.

20 (e) A participating employee is ineligible for membership in a retirement
21 system or pension system while the participating employee is employed in any eligible
22 position by any [employing institution] **SUPERVISING EMPLOYER**.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 July 1, 2012.